XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

(25)

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

HIGH COURT OF CHHATTISGARH AT BILASPUR

M. A. NO. 677 of 2006

APPELLANTS

Owner

1. Arun Kumar Devnath, S/o H.D. Devnath, aged 32 years, Occupation-Service, R/o Bhaisdafai, Haldibadi, Chirmiri, Tahsil Manendragarh, Distt. Korea (C.G.)

Driver

2. Binnu Barik, S/o Satyasi Barik, aged about 36 years, Occupation Service, R/o Sonamani (Udiyadafai), P.S. Chirmiri, Tahsil Manendragarh, Distt. Korea (C.G.)

Vs

RESPONDENTS

Claimants

1. Smt. Phoolmati, W/o Dayanand, D/o Late Ratansai, aged 20 years.
2. Ku. Sita, D/o Late Ratansai, aged 16 years.
3. Ku. Geeta, D/o Late Ratansai, aged 16 years.
4. Ku. Sangeeta, D/o Late Ratansai, aged 11 years.
5. Ku. Anita, D/o Late Ratansai, aged 9 years.
6. Ku. Rani, D/o Late Ratansai, aged 7 years.
7. Vijay Kumar, S/o Late Ratansai, aged 7 years.

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(30)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
		No. 2 to 7 are minors, Through Natural Guardian Sister Phoolmati, W/o Dayanand, Ku. Geeta, D/o Late Ratansai. All R/o Charcha Basti, P.S. & Tahsil Baikunthpur, Distt. Koria (C.G.) 8. Branch Manager, The Oriental Insurance Co. Ltd. Ambikapur (C.G.)

Mr. D.N. Prajapati, Counsel for the appellants.

JUDGMENT

This appeal is directed against the interim award dated 28.4.2006 passed by the Additional Motor Accident Claims Tribunal, Baikunthpur in Claim Case No.3/2005 whereby a sum of Rs.50,000/- has been awarded to the claimants and the liability has been fastened on the appellants herein i.e. owner & driver of the vehicle in question on the ground that the same was not insured at the time of accident.

Since no evidence was produced by the owner that the vehicle in question was insured by respondent No.5-Insurance Company at the time of adjudication of the application under Section 140 of the Motor Vehicles Act, 1988, the impugned award has been passed. As such, there is no illegality or infirmity in the impugned award passed by the tribunal, the appeal being devoid of substance is liable to be dismissed and it is hereby dismissed.

Sd/-
Dhirendra Mishra
Judge
30.4.2007